



STATE OF NEW JERSEY

In the Matter of Nicholas Tarquinio,
Police Officer (S9999U), Borough of
Keyport

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2018-2030

List Removal Appeal

ISSUED: JULY 20, 2018 (SLK)

Nicholas Tarquinio appeals his removal from the eligible list for Police Officer (S9999U), Borough of Keyport, on the basis of falsification of his pre-employment application.

By way of background, the appellant's name appeared on certification OL170349 that was issued to the appointing authority on March 29, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that he falsified his application. Specifically, the appellant failed to disclose all of the legal proceedings involving domestic matters.

On appeal, the appellant presents that he was not aware that his son's mother alleged that he choked his son. He contends that he is only guilty of negligence as he claims, due to his mental and emotional state from custody disputes, he was not reading the documents that were sent to him from family court. He claims that he was not intentionally hiding these domestic issues from the appointing authority as he represents that he did provide it with a docket number and a letter from the Division of Child Protection and Permanency (DCPP) with his application.

In response, the appointing authority presents that when asked on the application if the appellant was involved in any civil action or proceeding, he only answered that he was arrested for narcotics in 2000 and did not provide that he was involved in a civil action where it was claimed that in August 2012 he choked his five

year old son in front of a neighbor and in February 2014 he slapped his child in the head causing severe pain. The DCPD investigation found evidence that the child “was harmed or was placed at risk or harm.” Additionally, in July 2014, an action for child support was filed against the appellant.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Civil Service Commission (Commission) to remove an eligible’s name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *N.J.A.C.* 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority’s decision to remove his or her name from an eligible list was in error.

In this matter, the appellant implies that he was unaware of the allegations against him as he claims he is only guilty of negligence as he was not reading the documents that were sent to him from the family court. Additionally, he argues that he did provide the appointing authority sufficient disclosure of these actions as he provided it with a docket number and a letter from the DCPD. The appellant asserts that the information that he provided the appointing authority is evidence that he did not intend to hold back any information from the appointing authority. However, the Appellate Division of the New Jersey Superior Court, in *In the Matter of Nicholas D’Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate’s name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant.

Initially, due to the serious nature of the allegations, the Commission is unpersuaded that the appellant did not know the allegations against him. Regardless, the appellant is responsible for the accuracy and completeness of his application. See *In the Matter of Harry Hunter* (MSB, decided December 1, 2004) and *In the Matter of Jeffrey Braasch* (MSB, decided December 1, 2004). Further, simply supplying a docket number and a letter from the DCPD is not the same as fully providing all the details of the legal proceedings against him and their dispositions. Moreover, the appointing authority indicated that there were two separate actions against the appellant that had two separate docket numbers, one pertaining to abuse allegations in 2012 and 2014 and one involving a claim for child support in 2014. In response, the appellant has not clearly indicated that he provided any information for at least one of the actions as his response states that he only provided “a docket number.” At minimum, the appointing authority needed all the information to have a complete understanding of the appellant’s background in order to properly evaluate

his candidacy. *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017).

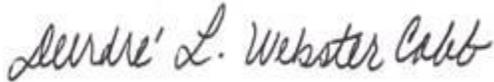
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (S9999U), Borough of Keyport eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF JULY, 2018



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